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09/666,086	09/21/2000	Kazunori Ukigawa	59684-012	8900

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EXAMINER

DUONG, OANH L

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,086

Applicant(s)

UKIGAWA ET AL.

Examiner

Oanh L. Duong

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/21/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Claim Objections

Claims 1-20 are presented for examination.

1. Claims 1 and 4 are objected to because of the following informalities:

Regarding claim 1, "said terminal device" in line 13 should be said terminal devices; ", " in line 13 should be removed.

Regarding claim 4, "deices" in line 2 should be devices.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2155

2. Claims 1, 4-8, 11-13, 16 and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Troxel et al (Troxel) (US 6, 253,236 B1).

Regarding claim 1, Troxel teaches a network system including a server device and terminal devices connected to said server device through a network (e.g., see fig. 2), wherein said server device (host 212) including input information receiving means for receiving predetermined input information which is sent from said terminal device through the network (e.g., see col. 4 line 57-col. 5 line 9), counting means for counting in accordance with the input information which said input information receiving means has received (e.g., see col. 5 lines 20-41), information providing means for providing information corresponding to a value counted by said counting means (see col. 5 lines 20-41), and sending means for sending the information provided by said information providing means to said terminal devices through the network (e.g., see col. 5 line 65-col. 6 line 9); and each of said terminal device includes input means for inputting the predetermined input information (see col. 3 lines 66-67), input information sending means for sending the input information input from said input means, and controlling said input information receiving means of said server device to receive the input information (e.g., see col. 4 lines 57-54), receiving means for receiving the information sent from the sending means of said server device through the network (e.g., see col. 5 line 65-col. 6 line 8), and output means for outputting the information received by said receiving means (e.g., see col. 3 line 67-col. 4 line 3).

Regarding claim 4, Troxel teaches network system including a server device and terminal devices connected to said device through a network (e.g., see fig. 2), wherein

Art Unit: 2155

said server devices includes a memory for storing program, a processor for executing program (e.g., see col. 3 lines 52-59), and a first communication device for sending and receiving information to and from said terminal devices (e.g., see col. 2 lines 65-67 and col. 5 line 65-col. 6 line 8); the first communication device receiving predetermined input information sent from said terminal device through the network (e.g., see col. 4 line 57-col. 5 line 9); the processor counting in accordance with the input information received by the first communication device (e.g., see col. 5 lines 20-41), processor generating information corresponding to the counted value (e.g., see col. 5 lines 20-41), and said server device sending the generated information to said terminal devices from the first communication device through the network (e.g., see col. 5 line 65-col. 6 line 9); each of said terminal devices includes a memory for storing a program, a processor for executing the program, an input device for inputting information, an output device for outputting information (e.g., see col. 3 line 52-col. 3 line 14) and a second communications device for sending and receiving to and from said server device (e.g., see col. 4 lines 15-20); inputs the predetermined input information through the input device (see col. 3 lines 66-67), sends the input information input from the input device to the second communications device from the second communication device through the network (e.g., see col. 4 lines 57-54); the second communications device receiving the information from the communications device of said server through the network (e.g., see col. 5 line 65-col. 6 line 8), each of said terminal devices outputting the information received by the second communications from the output device (e.g., see col. 3 line 67-col. 4 line 3).

Regarding claim 5, Troxel, teaches an formation server system which servers participants of a network service with information through a network (e.g., see fig. 2) comprising accepting means for accepting predetermined information sent from the participants of the network service through the network (e.g., see col. 4 line 57-col. 5 line 9); count means for counting in accordance with the predetermined information which said accepting means has accepted (e.g., see col. 5 lines 20-41); and information providing means for providing information corresponding to a value counted by said count means to the participants of the network service through the network (e.g., see col. 5 lines 20-41).

Regarding claim 6, the method of claim 6 has a corresponding network system of claim 1; therefore, claim 6 is rejected under the same rationale as applied to claim 1.

Regarding claim 7, Troxel teaches a method for providing information to participants of a network server through a network (e.g., fig. 2), said method including providing the participant of the network service through the network with information corresponding to a value counted in accordance with predetermined information sent from the participants of the network service through the network (e.g., see col. 5 lines 20-41).

Regarding claim 8, Troxel teaches a server device which is connected to terminal devices through a network (e.g., see fig. 2) comprising input information receiving means for receiving predetermined information sent from said terminal devices through the network (e.g., see col. 4 line 57-col. 5 line 9); counting means for counting in accordance with the input information received by said input information receiving

means (e.g., see col. 5 lines 20-41); information providing means for providing information in accordance with a value counted by said counting means (e.g., see col. 5 lines 20-41).

Regarding claim 11, Troxel teaches the predetermined input information is information representing logging in/out of said terminal devices to/from the information provided by said information providing means (e.g., see col. 18 lines 23-36); said counting means counts up when the input information represents the logging in of said terminal devices, and count down when the input information represents the logging out of said terminal devices (e.g., see col. 16 lines 18-24).

Regarding claim 12, Troxel teaches the predetermined input information is information, which is input from said terminal device, as regards contents of the information provided by said information providing means (e.g., see col. 5 lines 52-56); and said counting means counts in accordance with the input information which is received by said input information receiving means at a predetermined interval (e.g., see col. 5 lines 21-41 and col. 9 lines 23-27).

Regarding claims 13 and 14, Troxel teaches the predetermined input information includes various type of contents of the information provided by said information providing means (e.g., see col. 7 lines 20-25); and said counting means is means for counting for every type of the contents of the input information (e.g., see col. 5 lines 20-41).

Regarding claim 16, Troxel teaches a server device which is connected to terminal devices through a network and includes a memory for storing program, a

processor for executing the program and a communications device for sending and receiving information to and from said terminal devices (e.g., see fig. 3), wherein the communications device receives predetermined input information sent from said terminal devices through the network (e.g., see col. 4 line 57-col. 5 line 9); the processor counts in accordance with the input information received by the communications device (e.g., see col. 5 lines 20-41); processor generates information in accordance with a value counted by the processor (e.g., see col. 5 line 20-col. 6 line 8); and communications device sends the generated information to said terminal devices through the network (e.g., see col. 5 line 65-col. 6 line 8).

Regarding claim 19, Troxel teaches a computer readable recording medium which records a program making a computer device which is connected to terminal devices through a network (e.g., see fig. 2) function as input information receiving means for receiving predetermined input information sent from said terminal devices through the network (e.g., see col. 4 line 57-col. 5 line 9); counting means for counting in accordance with the input information received by said input information receiving means (e.g., see col. 5 lines 20-41); information providing means for providing information in accordance with a value counted by said counting means (e.g., see col. 5 line 20-col. 6 line 8); sending means for sending the information provided by said information providing means to said terminal devices through the network (e.g., see col. 5 line 65-col. 6 line 8).

Regarding claim 20, Troxel teaches a computer data signal embodied in a carrier wave and sent through a communications path (e.g., see fig. 3), said signal making a

computer device which is connected to a plurality of terminal devices through a network (e.g., see fig. 2) function as input information receiving means for receiving predetermined input information sent from said terminal devices through said network (e.g., see col. 4 line 57-col. 5 line 9); counting means for counting in accordance with the input information received by said input information receiving means (e.g., see col. 5 lines 20-41); information providing means for providing information in accordance with a value counted by said counting means (e.g., see col. 5 line 20-col. 6 line 8); and sending means for sending the information provided by said information providing means to the terminal devices through the network (e.g., see col. 5 line 65-col. 6 line 8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 3, 9, 10, 14, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troxel in view of Morita (JP 55047713 A).

Regarding claims 2, 9, 10 and 17, Troxel does not explicitly teach information providing and output means as claimed. However, Morita teaches said information providing means includes voice providing means for providing voice data corresponding to the value counted by said count means, and said output means includes voice output means for outputting a voice corresponding to the voice data which is provided by said

Art Unit: 2155

voice providing means and sent by said sending means and then received by said receiving means (see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the information providing and output means in the system of Troxel as taught by Morita because such information providing and output means would enable the system to provide output data (e.g., audio, voice) according to counting value. Thus, suitable audio volume would be obtained by control interlocking with the counter (Morita, see abstract).

Regarding claims 3 and 14, Troxel teaches terminal devices connected to said server device are divided into groups (e.g., see col. 6 line 52-67); said count means is one for counting for every group of said terminal device (e.g., see col. 5 line 20-41). However, Morita teaches information providing means for providing information corresponding to a value counted by said counting means (e.g., see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the information providing means in the system of Troxel as taught by Morita because such information providing means would enable the system to provide output data (e.g., audio, voice) according to counting value. Thus, suitable audio volume would be obtained by control interlocking with the counter (Morita, see abstract).

Regarding claim 15, Troxel teaches user information registration means for registering information regarding users of said terminal devices which are connected to said server device through the network (e.g., see col. 5 lines 60-65 and col. 7 lines 20-48), and wherein said terminal device connected to said server device through the

network are divided into groups in accordance with the information registered by said user information registration means (e.g., see col. 6 lines 57-67), and said counting means refers to the user information registration means based on the input information received by said input information receiving means, and counts for each group of said terminal device (e.g., see col. 5 lines 20-41 and col. 6 lines 52-67).

Regarding claim 18, Troxel teaches the predetermined input information is information which is input, in said terminal device, as regards contents of the information generated by the processor and sent from the communication device (e.g., see col. 5 lines 52-56); and processor counts in accordance with the input information received by the communications device at a predetermined interval (e.g., see col. 5 lines 21-41 and col. 9 lines 23-27).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Application/Control Number: 09/666,086
Art Unit: 2155

Page 11

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O.D
October 16, 2003

Hosain Alam
HOSAIN ALAM
SUPERVISORY PATENT EXAMINER